

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARIA KELLY	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:08cv176HSO-JMR
	§	
WASHINGTON MUTUAL	§	DEFENDANT

**ORDER GRANTING IN PART DEFENDANT'S
MOTION FOR RECONSIDERATION**

BEFORE THE COURT is Defendant's Motion to Reconsider the Court's December 5, 2008, Order and Reasons Granting in Part and Denying in Part Defendant's Motion to Dismiss and Remanding the above captioned cause to state court [10-1]. Plaintiff has not filed a response to the instant Motion.

On December 5, 2008, this Court entered an Order and Reasons which granted in part and denied in part Defendant's Motion to Dismiss. Specifically, the Court dismissed Plaintiff's claims asserted pursuant to the National Flood Insurance Act and declined to exercise supplemental jurisdiction over Plaintiff's remaining state law claims. On December 15, 2008, Defendant filed the instant Motion requesting that the Court reconsider its earlier ruling since the Notice of Removal asserted both diversity and federal question as grounds for jurisdiction over this case.

The Court notes that Defendant's Motion argued for dismissal of Plaintiff's federal claim and advanced no argument specifically addressing a separate dismissal of Plaintiff's supplemental state law claims. Nor did the Motion reference the alternate basis for jurisdiction. Therefore, based on the pleadings before it, this

Court will partially grant Defendant's Motion to Reconsider the Order of Remand as it pertains to Plaintiff's supplemental state law claims. The Court will grant Defendant leave to reassert a Motion to Dismiss which contains a more thorough argument for dismissal of Plaintiff's remaining state law claims.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant's Motion for Reconsideration [10-1] filed December 15, 2008, should be and is hereby **GRANTED IN PART**, and the Court's Order of Remand is hereby **VACATED**.

Any Motion to Dismiss or for Summary Judgment challenging Plaintiff's remaining state law claims shall be filed on or before January 30, 2009.

SO ORDERED AND ADJUDGED, this the 14th day of January, 2009.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE